HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 16425 of 2005

Between:

M/s. Sri Chandrakanta Marine Exports,
Rep. By its Managing Partner Sri Toram China Venkateswara Rao

..... PETITIONER

AND

The Selection Grade Secretary, Agricultural Market Committee,
Bhimavaram and 2 others

.....RESPONDENTS

HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6368 of 2005

Between:

M/s. Sri Satya Marine Exports (P) Ltd.,
Rep. By its Managing Director, Sri Toram Trinadh Babu

..... PETITIONER

AND

The Selection Grade Secretary, Agricultural Market Committee,
Bhimavaram and 2 others

.....RESPONDENTS

HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6305 of 2005

Between:

M/s. Jaya Satya Marine Exports (P) Ltd.,
Rep. By its Managing Director, Toram Trinadh Babu

..... PETITIONER

AND

The Selection Grade Secretary, Agricultural Market Committee,
Bhimavaram and 2 others

.....RESPONDENTS

O R D E R:

Since the questions of law and fact that arise for consideration in all these writ petitions are one and the same, they are being disposed of by this common order.

In all these petitions, the petitioner is a firm having its

Registered Office at Bhimavaram i.e. within the notified area of Bhimavaram Market Committee, engaged in the business of exporting of processed Frozen Prawns to foreign countries.

Under the impugned assessment orders and according to the petitioner, the Market Committee has assessed certain transactions, pursuant to which, no fee shall be levied on notified agricultural produce, livestock or products of livestock purchased elsewhere and brought into notified market area.

It is an admitted fact that the petitioner has purchased the goods out side the market area of Bhimavaram, and brought them to the notified area of Bhimavaram town. Under these circumstances, Rule 74(1) of the A.P. (Agricultural Produce & Livestock) Market Rules (for short "the Rule") takes care of such contingencies. Rule 74 (1) of the Rules reads thus:

> 74. Market Fee: 1. The fees leviable under Sub-Section (1) of Section 12 on notified agricultural produce livestock and products of livestock if paid to a market committee within the state shall not be collected by another Market Committee, subject to production of proof of payment of fees if already paid once.

As per the above provision of law it is clear that the fee levied on notified agricultural produce live stock and products of live stock if paid to a market committee within

the state shall not be collected by another Market Committee, subject to production of proof of payment of fees if already paid once.

Though there is a controversy that the respondents have not asked for any such proof being produced by the petitioner-company, it filed returns of the company every month.

The learned Standing Counsel for the respondents assert that the petitioner-company was asked to produce such proof, but it failed to do so. The goods, which were purchased out side the notified area of Bhimavaram, were also subjected to levy of fees under Section 12(1) of the Act. When the assessment order does not indicate that any such exercise was done by the respondents asking the petitioner to produce proof as required under Rule 74(1) of the Rules for the purpose of exempting the collection of market fee under Section 12 (1) of the Act.

In view of the above, I am of the considered view that the impugned order is liable to be set aside and is accordingly set aside. However, the petitioners are directed to produce proof of payment of fee if already paid, as required under Rule 74(1) of the Rules before the 1st respondent within a period of three weeks from today. On such proof of payment of fee for the purchases effected out side Bhimavaram town, the authorities shall examine and pass appropriate orders in accordance with law within

a period of three weeks thereafter.

With the above direction, these writ petitions are disposed of. No costs.

03-08-2006

Mjl/*